DISCUSSION

MISS FLORENCE L. SANVILLE, PHILADELPHIA: I was asked to-day to contribute a few facts, local and concrete, in the way of discussion. These facts have been gathered during the last few months by a detailed investigation into factory conditions in Philadelphia by the Consumers' League, and I want, in my five minutes, to give you two simple little instances, and draw the simple conclusions that come from these instances. A few weeks ago two representatives of the Consumers' League, visiting a factory,—well cared for, and with an employer considerate in many ways,—found that the fire escape exits consisted, as they commonly do, of windows; but that the windows were held closed by screws! The screws were taken out in the presence of the investigators, and I trust that they still are out.

Within the last two days, two of the representatives of this society, in answer to a complaint, visited another factory, in the rear of the fifth story of a building occupied by different shops, and found the window exit to the fire escape so blocked by a row of machines, that the special investigator, who is not at all a large woman, was not able to reach the window. In the front part of that same story was another shop, occupied by a shirtwaist manufacturer. Here there were fire escapes with unobstructed exits; but in discussion with the employer it appeared that the fire escape had not been tested, and it was not known whether it would hold or not. When asked where it led to, he answered that no one knew; but that when one arrived at the second story platform, the best way would be to take a very short jump to the neighboring building, and that from there it was a drop of only one story to the ground. The visitor, however, climbed to the bottom of the fire escape to see where it led to, and discovered an apparently blind alley with no connection with the street. When she re-entered the shop, she was met with the amazing statement that one of the partners in this firm had had eight girls burned to death one year ago in another building, and he yet had never had the interest to find out whether this fire escape had an exit!

You cannot legislate against such brutal indifference as this,

but you can legislate for compulsory safeguards that will nullify its effects; and the Consumers' League is urging now that the Legislature take up two things directly traceable to discoveries of this kind. One is that proper exits to fire escapes shall be specifically required; and the other is, that fire drills, such as are customary in schools, shall be compulsory in factories. Fire escapes and adequate exits may exist; but in time of panic no one can foresee what terror seizes upon the mind of people, and unless habit has accustomed them to turn instinctively to means of safety, loss of life is almost inevitable. In our schools it has been successful. The children, young as they are, untrained as they are, turn to the safe way. Why not in our factories? There are ten factories to one school. The lives of our school children are infinitely precious. Are the lives of boys and girls who work less precious because they are in industrial pursuits?

MR. MILES M. DAWSON: There are two or three small matters which it would be virtually impossible for anyone not an actuary to bring forward, and I think it would be very unfortunate if we were to go away without bringing them out. One of these has relation to the difference in expense in the different insurance systems in Europe. Many of you have doubtless read the book prepared by Mr. Frankel and myself. The expense of insurance under state compulsion is about the same in Norway (straight out state insurance), in Austria (with employers and employees and the state participating), and in Germany (where the system is two-fold; one part run entirely by employers with supervision by the state furnishing benefits beyond the first thirteen weeks, and one covering under thirteen weeks run by the employers and employees). The expense is about 12 per cent of the gross collections which in Germany are really about the net amount currently paid out. In Norway it is an amount sufficient also to set by a reserve to take care of the future, and in Austria was intended to be sufficient, but never has been. In Germany the carrying on of sickness insurance by the workmen's societies costs about 8 per cent only.

Private insurance under workmen's compensation laws, has, in Great Britain, cost about 50 per cent of the entire collections, including the amounts required to be put by as reserves; which is fully 100 per cent added to the net cost. In other words, it is about

eight times as expensive, from the management and expense standpoint. In England, where commissions are lower than here, the commissions are equal to 30 per cent of the net amount required to furnish insurance.

In figures, I take it that in the United States we shall have about as many dollars to pay for our insurance, when it is in force, as marks in Germany. This is due to the higher purchasing power of money. If that should prove to be true, the net disbursements should not be less than 400 million dollars, when it is in full swing throughout the United States; and if you add 100 per cent for private insurance expenses you will add another 400 million dollars to it. If it is carried on under a similar system to that in Germany, and other countries, it can be carried on for about fifty millions of dollars. I need not say to you that, no matter what system you may use, there are, in fact, $350,000,000 taxes paid unnecessarily for a service not required.

In New York in the building trades complaint was made after the workmen's compensation act was passed, because it was not state insurance. When they found the rates, made by adding the new charge to the former employers' liability rate, increased to as high as 20 per cent on the payroll—when they faced that, and realized that under state insurance it probably would not have been over 7 per cent or 8 per cent, their prejudices fell away promptly.

I may say that the Labor Department at Washington has published tables of the rates under all the different systems in Europe and in this country for a large number of representative employments in its September, 1910, Bulletin.

Another matter I wish to call attention to is relative to a statement by Dr. Talcott Williams. He compared the cost under the German system for insurance of employees in coal mines in the last year of the twenty-four, with the cost the first year, and he thought it represented an eight times increase in the cost. This is true only in a certain sense. The German system pays all its benefits in annuities or pensions. The result is that the first year there was only an average of six months' payments of the annuities incurred by reason of one year's accidents. In the 24th year, there were annuities to people who were injured the first year, the second year, and every year up to the twenty-fourth. The actuarial system called for a steady increase of outlay, not due to an increase

in the risk at all, but due to the actuarial structure of the plan, which started with only what was necessary to pay the current benefits and has increased as the number of annuitants from the previous years has increased. It is estimated that the ideals when that law went into effect have been realized.

MR. M. M. DAWSON: The suggestion has been made of compulsory insurance with free choice of companies. No one who does not study the subject from a technical standpoint, can say what the objections to introducing that system would be. In the first place, it is the experience of all European countries, where they have introduced it, with state insurance in competition with private insurance companies, that state insurance has not been conducted as economically as when given a monopoly. It has been found advisable, also, as in Sweden, to employ agents for the state companies. The moment, likewise, that you give free choice of companies, you must set up a voluntary reserve system, a system of reserve sufficient to maintain all the benefits that you promise to pay. This, as actuaries will certify, is unnecessary under the compulsory system, but it must be done under a voluntary system, including any system of free choice of companies. This involves a great and sudden increase in rates instead of a gradual one, taking no more money than is currently required.

Reference has also been made to explosives. In countries like Great Britain, where there is a purely voluntary system, the regular companies absolutely refuse to insure, and consequently the only way is for the employer to bear it himself, or for the employers to group and carry on a mutual system. In countries where there is compulsion, but with free choice of companies, the state must cover these risks. Indeed, under such a system the state company must take all the risks that other companies refuse.

Yet, under such a system, which is in operation in Sweden and in Holland, the state company is destroying the private companies utterly. The system merely prolongs the agony and increases the expense.

A suggestion has been made from the platform that perhaps workmen would not be willing to contribute, and that they should not be required to do so. In Europe, it has been found unwise to require them to contribute to defray the cost of industrial accidents.

In no case, except in Austria, where their contribution is fixed at 10 per cent, have the men been required to contribute to a fund which pays for accidents occurring while at work. In most comprehensive systems, such as that of Germany, which covers disability due to any cause, there are contributions from workmen. They have been willing to contribute in such case, also, wherever they had the opportunity.

I may add that many, my clients and others, who are adopting mutual systems in this country, have faced this same objection, and, provided workmen were given broad protection, they recognized it as just and have been willing to contribute fairly. It all depends upon whether they are offered a good bargain.

Another statement that I think proper to make, is that the gentleman who urged amendment of the constitution as the next step, should take into account that in order to generally introduce laws in that way, we must have forty-six separate states take action upon amendments to their several constitutions, and also upon amendments to the national constitution. It would, therefore, be many years before we would have achieved what we set out to accomplish.

One further remark, also, concerning a matter of fact. It is that this suggestion concerning national action calls forth my recollection of an interview with the vice-president of the German insurance department, having charge of the supervision of their system. That gentleman, having watched very carefully the conditions the world over, expressed his belief that the one country in the world where the German system could be used without destructive modification, was the United States. One reason why he was of that opinion, is because we have these separate states and territories. Germany, as you all know, is composed of separate kingdoms, each with sovereignty over local affairs and under its own hereditary monarch. A like situation confronts us in this respect, that there must be free trade between our various states. Therefore, we should have a uniform system throughout the country. What looked at first most difficult there, has now proved the very easiest thing to do; and I am not without hope that such may also be true here.

I wish to announce that there will probably be held in this country within the next two years, in 1912 or 1913, an international congress upon social insurance at which all of the great experts

of Europe will be present. It will be quite as open as this meeting for public discussion of all phases of this question. Authority has been given to President Taft by Congress to invite delegates from foreign countries to attend such a congress; and the International Committee of the congress has agreed to come, if officially invited.

You should receive due notice of this and, if interested, please send your name to the Secretary of the American Academy, at West Philadelphia, and you will be informed by the International Congress Organization Committee, when formed.

MR. FRANCIS H. BOHLEN: One thing has been emphasized in the discussions, not only this afternoon, but throughout, and that is that at best any scheme of workmen's compensation merely, such as that in England, is but a step towards a final ideal. I am quite convinced by the little personal attention which I have been able to give to the subject that adequate relief can be secured only by some system of insurance. There is one point alone which I think shows the absolute necessity of this. The relief, to be real relief, and effective for relieving the wants of the workmen, and of his family after his death, if the accident should unfortunately result in death, must evidently be administered by payments in installments. Now it is quite impossible in smaller trades to secure the constant payment of installments, except by the purchase of annuities,—and we have no governmental bureau or department from which such annuities can be purchased,—or by insurance of some sort. Indeed, we seem to be, upon that point alone, reduced to the necessity of summoning the aid of some species of insurance.

A great deal has been said (I am a lawyer also, or at least have been) in regard to the waste incidental to the services of my much maligned, or perhaps accurately described profession. It seems to me from what I have heard, that a great part of the waste, and there is no doubt of a great deal of it between the time when the payments leave the pockets of the employer and when they come to the hands of the workmen (it has been calculated to be at least 60 to 75 per cent), comes from the competitive nature of private insurance. There seems to be no question, from the figures heard yesterday, that a great part of the premiums go, not only to the expenses necessary to insurance, but to a great many that are necessitated only by the fact that the insurance companies which

do the business are not only insuring for their profit, but are also insuring in competition with other companies which desire their share of the business.

There seems to be no doubt as to one further point, that that species of intimate and careful inspection by the body which has charge of the insurance, which is the best guarantee of a faithful effort to secure the safety of the workmen, can only be attained without friction, and with the fullest efficiency, by the inspectors of mutual or group insurance. I have no doubt that in an ideally administered state, a state insurance department might exist which, by grouping employers in the various trades in accordance with the condition of their factories, and according to those whose factories were in a thoroughly efficient and safe state a lower rate of premium than those in less safe condition, might accomplish excellent results, but no government supervision in America has been found to work as efficiently as that compelled by the self-interest of the persons most nearly concerned therein.

There is one more result which I think this species of compensation would accomplish, I would not say in the prevention of accidents, but in minimizing their effect and consequences. There are quantities of comparatively small accidents, which, if they are neglected, do result in very serious injury. Making the master liable in any shape or form for part of the wages of the injured workmen, will afford an incentive of self-interest, to induce him to afford injured workmen immediate aid and medical attendance in order that final consequences may be made as light as possible.

MR. EDGAR M. ATKIN: For five and a half years I was in charge of the Claim Department of the New York Edison Company. During that time the company carried no liability insurance, but treated the accident problem by means of a system of compensation which was so satisfactory that only six law suits resulted from approximately three thousand accidents. It was our experience that the principle of compensation to employees is economically sound and a vast improvement upon the theory of employers' liability.

It is provided in paragraphs nine and ten of section two of the New Jersey act, that the workingman in New Jersey shall not lose any of his contractual or constitutional rights under this law. Under the provisions of the Barnes' act in New York, a brakeman is not considered to be the fellow servant of an engineer or switch-

man, and yet under the provisions of the liability law of that state, a cash girl in a department store has been held to be the fellow servant of the man who runs the elevator. This is a strange anomaly.

A remark was made this morning to the effect that not a single claim was made by an employee against an employer under the compensation act which was declared unconstitutional. The reason for that is not hard to ascertain. Employees and their attorneys were afraid to bring test cases under the compensation act until its constitutionality was determined in the decision in the Ives case. In the event that a constitutional act is passed there can be no doubt that a workman will take advantage of it.

It is the theory that the ultimate consumer should bear the loss occasioned by accidents in all branches of industry. How can this be done where the price of the commodity is limited by legislative enactment, as is the case with street railways, the gas and the electric industries?

I regret that in declaring the New York liability and compensation law unconstitutional, the court was compelled to strike out that clause which should have been in the amended liability law which clause provided that every contract taken by an attorney on a contingent basis should be submitted to the judge trying the case. Some provision for the inspection of contingent contracts in accident cases should be made in all laws of this character that are passed in the future.

MR. JAMES L. GERNON, of New York Joint Labor Conference: I am reluctant to take part in the debate, owing to the five-minute rule. We know, of course, that the compensation law in New York State has been declared unconstitutional, and we have heard much of the compensation law of New Jersey, which has just been enacted. The New Jersey law does not appeal to the labor people who have made a study of the subject, for the reason that it does not permit the freedom of contract. This law wipes out the fellow servant and assumption of risk defenses in the liability, and in lieu of that establishes compensation. Now, we all know that with the defenses removed the employer will take compensation because it levels the liability, and the employee will secure employment provided he waives his common law rights.

One gentleman spoke yesterday on the excellent plan of compensation of the International Harvester Company, but this same company denied the loyal American citizens in its employ the right to celebrate Washington's birthday as a holiday, and because they refused to work they were discharged. This demonstrates the freedom in employment. The International Harvester Company and the United States Steel Corporation can put in operation plans of compensation because they have a practical monopoly of the industry and can make the wage-earner pay the cost of their plan. If there is to be any compensation for industrial accidents, we want every manufacturer to have his freedom and every workman to have his.

It does seem to me that the New Jersey law is no more constitutional than the New York law, and is pernicious for the reason that it will compel thousands of employees to sign away their common law rights when they enter employment, notwithstanding the fact that they may never be injured. The New York Joint Labor Conference has given this subject considerable study. We have worked with the New York State Commission as well as we could, and we differed with them on many points. We believe we are much more advanced, and many students of this subject say we are right. Certainly no one can be right as to what is constitutional, because all the eminent lawyers in New York differed on this subject, and we assume that most of the good lawyers are in New York; at least the headquarters of corporations are there and they center their legal talent there.

The New York conference is on record as in favor of compensation, the same to be on a state insurance plan. When suffering injuries in industry we do not wish to be at the mercy of a bankrupt employer or corporation, nor of the evils of insurance companies. Therefore, we favor a state insurance plan of automatic compensation. If a just plan under such a system were established by the state, the working people would not object to reasonable contribution, notwithstanding that they suffer all the pain due to industrial accident, together with the economic loss.

Every one seems to side-step the idea of amending the constitution. We should not reverence the constitution because it has been in existence one hundred and twenty-five years or so. If the American Constitution does not permit the producers of this country to receive as just treatment as they do in every paternal country

of this great world, then it is not what it should be, and the sooner we amend it the better. The working people of the State of New York are committed to this proposition, and we are determined to amend the constitution of the state. Even if it takes years, it will be amended. If the American Constitution does not give us what we can get under paternal government it is time for every free-born American and every citizen to exert his efforts to change the constitution.

MR. HOWELL CHENEY: Without detracting from the earnestness of the previous gentleman as regards the impracticability of establishing compensation systems under small employers, I must express the conviction that a compensation system is perfectly feasible for the small employer, as well as for the large one, if it is treated as any other item of the cost of production and conducted with strict attention to prevention. I can speak from the continuous experience of a large business which started as a very small one and which has continuously compensated accidents arising out of employment without regard to fault; that such a practice has proven it possible to go for sixty-five years without an accident suit, and even without paying a lawyer's fee because of personal injuries arising out of employment. Injuries received in the course of employment have been compensated for without question as to the negligence of a fellow servant, or the trade risk, or the contributory negligence of the injured person unless it were of a serious and wilful nature. This system was carried out both as a small firm and as a large one. It was carried out in the belief that strict adherence to the doctrine of personal fault could arrive neither at justice nor prevention.

We have all come to recognize generally that a large part of the industrial accidents are not due to fault in the sense that it is humanly avoidable or preventable, and that the rigid adherence to such a mistaken principle has made neither for efficient prevention nor compensation. But the public realization of the injustice of our old theory of personal fault has lead not unnaturally to the trying out of another fallacy; that since it was not the fault of the injured person it must be the fault of his employer; and hence, it was the duty of the state to step in and demand compensation, because of such assumed or imputed fault on the employer's part. Undoubt-

edly, gravely dangerous conditions have existed which justify this policy as a matter of equity, if not as a matter of law. But, if the New York decision has freed our minds of the idea that we can arrive at a satisfactory measure of justice by imputing a fault generally, when none may have existed, it may perhaps lead to pointing towards a truer solution of the difficulty. Since the courts have told us that we cannot invoke the police power for the protection of workers, unless fault exists either actually or constructively, we may finally abandon the idea of basing our remedy upon any idea of fault and seek, not negatively, but constructively to legislate for the protection of the workingman by the laying of a tax upon all industries to compensate for the injuries due to the inherent risk in industry as a whole, and justify such tax as necessary for the general welfare.

An appeal to the enlightened self-interests of the community, especially to employers, has justified taxes for industrial education, for the physical care and feeding of school children, for the suppression of tuberculosis, for the support of the poor and destitute, and for the maintenance of hospitals for the insane, drunkards and other mental and moral wrecks of our industrial system. We are no longer justifying our expensive school system solely on the idea that the protection of the citizenship of a democracy demands the cultivation of a higher general intelligence. We are frankly affirming that the protection of our citizenship depends upon the efficiency of its workers, and are making large public expenditures for the cultivation of a higher efficiency. Such expenditures never could have been justified by an appeal to the state to protect its workers from the direful effects of ignorance and inefficiency by an arbitrary taking of money from a limited class of employments in which the conditions might amply justify such a course. The fact that the courts have held that we cannot impute or create a fault where none has existed, nor deprive a man of his property without due process of law would not, at least to the lay mind, necessarily deny the right of imposing a tax upon all of the industries of the state for the protection of the welfare of all of its workers. And if you will appeal to the enlightened self-interest of employers on the grounds of the increased efficiency of their workers, which will result from such adequate compensation and the real prevention which such a tax will induce, you will make far more rapid progress

than by grieving over your failure to invoke the police power as regards a limited class of industries by imputing a fault where none may have existed.

It was generally recognized that even if it were possible to base compensation upon the police power it could not have been made automatic as being based upon fault every man must have his day in court to defend himself. It would have thus been subject to one of the worst evils of present conditions, the law's excessive expenses and delays. The creation of a state tax to support industrial insurance does not necessitate such a failure in methods.

It is an unfortunate feature of most reform legislation that in its initiation it proceeds by restriction or negation. Not until the evils of restriction become apparent do we proceed constructively to accomplish what we are really after. This has been well illustrated in child-labor legislation, where wise restrictions have lead to our realizing that the efficient education of the child for his future life was his truest protection, and of far more importance than the simple forbidding of employment. And an appeal to the enlightened self-interest of the employer to assist his future workers in a training for efficiency is now enlisting his support where simple negation met only opposition. We have another illustration of the same idea in the extension of educational work in regard to tuberculosis, and general hygiene and sanitation.

We are becoming used to a wider exercise of the taxing power, and employers can mutually come together on a principle which appeals to their intelligent self-interest by showing them that constructive work can be done in conserving the efficiency of their employees. And as a speaker has well said, physical well-being and its resulting efficiency is reduced not alone by industrial accidents, but by sickness and disease. Any effective system of industrial insurance must be capable of ultimately extending itself to sickness and death from disease. And any effective industrial insurance must be a tax upon all industry, workers as well as employers, and not upon a limited class of employers alone.

MR. PIERRE R. PORTER: I have been asked to tell you in a few words what has been done upon this question in Missouri and in Kansas. It was my pleasure to be a member of the Missouri commission, and I have also, upon several occasions, appeared before

the legislatures of Missouri and Kansas with reference to legislation upon this subject. Last December Governor Hadley appointed a voluntary commission and requested that this commission should frame a compensation act within thirty days. I think if anybody should ask you ladies and gentlemen to do this that you would do exactly what the commission did; you would say that you could not do it. We made a report to the Governor that owing to the constitutional questions involved and the lack of information and especially in view of the brief period of time allotted to us, we would not take the responsibility of framing a specific act, and we recommended that a permanent commission be appointed by the legislature to study the subject for two years, with an adequate appropriation, and report a bill back to the legislature at the 1913 session. Governor Hadley made this recommendation, but the legislature being democratic and the Governor being a republican, the recommendation was not followed and no definite action was taken by the legislative body. However, the Senate appointed a committee of five of its own members to study the question.

It is interesting to note the difference in the trend of legislation in Missouri from that in Kansas. In Missouri, two liability laws and two compensation bills were introduced, but the whole matter was bottled up for this reason: the representatives of the Federation of Labor desired a liability law similar to the Federal law, while the employers and the manufacturing interests took the position that the matter should be referred to a permanent commission along the line of the report of the voluntary commission. The result was—nothing. In Kansas the same fight went on along the same lines. Laboring men wanted the liability law and the manufacturing interests wanted a permanent commission. The result was a compromise. The legislature passed a compensation act, which is virtually the National Civic Federation Bill, with—tacked on to it —an elective plan, that is, the act is not compulsory, but is optional. There is some question whether this Kansas act is constitutional because, while it does not in so many words compel the employer to give compensation, yet the result is the same, because it virtually says to him, "you need not agree to give compensation if you do not wish to, but if you do not we will take away your legal defenses."

If I may, in a friendly way, criticise this discussion, there is one point which has not been touched upon at all. We have heard

a great deal of the desirability of a compensation act which shall be compulsory upon the employer, but we have not heard a word about the advisability of an act which shall be compulsory upon the employee, and I feel that if you do not get an act, which, in effect, shall make the workman take compensation, then your act will not be practical in its operation. If you take away the legal defenses and allow the workmen to either sue at common law and have plain sailing before the jury or take compensation, he will do this: If he has a case where he can get large damages, being persuaded by smooth-tongued lawyers, he will reject the compensation and sue at common law, and the present evils will continue. On the other hand, if he has no case at all he will take the compensation offered. Does it not occur to you that in that sort of an act, which is really what most agitators upon this subject have in mind, you are really creating a double liability? That is the conclusion which our commission came to, and we felt that with our lack of knowledge, and in view of the difficulties encountered by the other commissions, it would have been a mistake for us to have recommended a liability law, because that would have been a step in the wrong direction, or to attempt a hastily prepared compensation law which would have not been satisfactory, and thus perhaps have made the question of compensation more difficult than ever. So we sought to do this: we sought to initiate the same idea into both Missouri and Kansas, namely: that there should be a permanent commission appointed in each state to study the subject, and these two commissions should work together with the idea that we should have uniform laws in both of the states, because if, of two sister states, one has a drastic law and the other has none, the situation will be dangerous and harmful to competitive industry. The result was that in Kansas they have a compensation act, which may stand the test and may not, while in Missouri we have nothing, and it is a matter of much regret to Governor Hadley, and to the Commercial Club of Kansas City, that no definite legislative action upon this important subject was taken in Missouri.

MR. THOMAS J. CURTIS, President, Tunnel and Subway Constructors' International Union:—In regard to compensation, the industry that I represent is one that would need compensation very badly. Out of eighty cases in the last year that we brought to

court, previous to our New York law, we won only one. Just take into consideration the sorrow of the families of these men, some of whom are not able to be seen on account of being all blown to pieces, mangled, or with heads blown off. We have been successful, as I stated, only in one case in the court. The court has held that if a man, working at his daily work, happens to be blown up, the explosion was premature.

As to insurance, God knows we have plenty of that. We have had insurance agents come to the men when they were injured, and settle all the way from ten dollars to fifty cents. I had a man, only the other day, injured—leg broken in two places—a colored man. The agent came and settled for $30. He came to me about eight weeks after he was hurt, and said, "Say, Mr. Curtis, when I settled for that broken leg I didn't know it was broken in two places. Do you think I could get $30 more?" That is the way insurance has acted in this industry.

We hoped that this compensation act would be declared constitutional and, if it had been, we might have had some chance for the men that are under it. At the present time, just before my departure, I had to get two families, six children each, into an institution, and the mothers of those children have to go out to work. Not a cent in the house, and the organization could not afford to support them any longer. Why do not we want an amendment to the constitution, and should we not have an amendment to the constitution to protect men in that industry? We have had it agitated, as the newspapers would say, for five or ten years, trying to get employers in our industry to make it passably safe for men to work, and we have politics and everyone else against us.

The whole thing is that we never have any remedy. You find that the officials are beginning to take it up after we have a couple of fires. Only last year in my industry we had seventy-three men blown up by explosions and 150 permanently injured, and the employers have a system in our industry, where they dock them while they are up in the air. They did not get down quick enough, and lost ten minutes. There is no system of protecting men, or of getting damages in the courts. We have come to feel that if something is not done we will have to give up the idea of using the courts. In every case it is a premature blast. A man can be injured by a machine falling on him, and it was a premature blast that

caused it. Then, there is the reckless handling of explosives. There is a system to examine men for handling explosives. All you need is a letter from the contractor, and with a politician behind you, and you have your examination. It does not matter if you never saw a stick of dynamite—they take a chance on you, anyway.

MISS MARY WINSOR: My sympathies are entirely with one of the previous speakers who seemed to represent the working people, and said that the constitution "must be amended." He struck at the root of our difficulties. We have heard a great deal this afternoon about Woodrow Wilson, but let me remind you of a greater democrat, Thomas Jefferson, who said that the constitution should be amended as least every twenty years, so that the opinions of bygone generations might not press like a yoke on the necks of the living generation.

I think we have all been impressed with the inconsistencies of this discussion. We have not debated whether these proposed measures (on employers' liability and workingmen's compensation), are just, or fair, or necessary. All that has been taken for granted, and we have occupied our time chiefly in discussing how we may best manage to go through, go around, or go under the constitution that stands like a barrier in the way of progress. And yet we are told by some of the speakers that we must honor the constitution, and look on it as a bulwark of our liberties. Now, if it is an obstacle to progress, so great that we must plot and conspire to circumvent it, how can it be a bulwark of liberty?

This remark is apparent in the remarks of Mr. Walter George Smith, who told us, in almost a threatening way, to respect the courts and the constitution; as if such responsibility did not rest also upon the constitution and the judges, who should render decisions that could be respected by the community.

I sympathize with the bitterness with which the gentleman spoke who was interested in the laboring class. I have been interested in getting better laws for working people and in child labor, and I tell you it is like walking through thick sand, if you make two steps forward, you slip back at least one. If you succeed in getting a good child labor law through the legislature, then there is surely a "joker" in it somewhere, and the courts may be relied on to declare it unconstitutional. That has been the practical ex-

perience in this state, and in other states. It is difficult to respect such laws and such judges, or the constitution, when it is made a pretex to overthrow merciful and humane legislation, intended to protect working women and children.

Let us amend constitutions, if they stand in the way of progress, and if they are holding this country forty years behind Europe. One of the eminent gentlemen who spoke this afternoon, told me, in private conversation some weeks ago, that his opinion of the constitution was very much in accord with mine, and I said to him: "If that's your opinion, *it's a great pity you don't say so in public.*"

DR. ROWE: Ladies and Gentlemen: Just a word in bringing this, our Fifteenth Annual Meeting, to a close. It is a real tribute to the citizenship and the civic spirit of this country that we can bring together from every section busy men to discuss the great questions, which affect the present and the future of this nation. I have always felt that in the United States we have the great advantage over Europe, in the possession of a reserve force of civic patriotism, of a citizenship imbued with a sense of obligation, far in excess of that which we find in the countries of Europe, and I think that this Annual Meeting has shown the strength of this civic feeling. The fact that representatives of all interests can get together and in a quiet, calm and dispassionate way, exchange their views and try to arrive at some just conclusion, is one of the most encouraging symptoms in the development of our national life.

Our gratitude is due to all the speakers at these five sessions, as well as to the presiding officers, all busy men, who have taken from their valuable time to give to us the result of their personal experience and investigation. I wish also to thank the official state delegates as well as the delegates from manufacturers', commercial and labor organizations, who have been so faithful in their attendance at these sessions. It is with keen regret that I now declare the Fifteenth Annual Meeting adjourned.